



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/902,153 07/29/97 HASHIMOTO

K 826.1410/JDH

EXAMINER

LM02/1210

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SUITE 500
WASHINGTON DC 20001

BHATTACHARYA, S

ART UNIT

PAPER NUMBER

2745

DATE MAILED:

12/10/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Please see attached.

Office Action Summary

Application No.
08/902,153

Applicant(s)
Hashimoto

Examiner
Sam Bhattacharya

Group Art Unit
2745



☒ Responsive to communication(s) filed on Sep 23, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-31 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☒ Claim(s) 1-29 is/are allowed.

☒ Claim(s) 30 and 31 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mansell et al. (US 5,223,844) in view of Hikuma et al. (US 5,426,690).

Regarding **claims 30 and 31**, Mansell et al. disclose a vehicle tracking and position information management system (Fig. 1) wherein information from a GPS positioning system is acquired in information terminals shown as mobile units 100B-100D and is processed in a central system shown as control center 150 so as to manage information on a position of the information terminal. Mansell et al. fail to specifically disclose the limitation of transmitting a notifying signal when a position is out-of-range.

However, Hikuma et al. discloses a radio telephone systems wherein when a user moves outside the operational area of a

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portable telephone unit, which corresponds to a fixed subscriber location which is not fixed on a base station, an alarm is sent to the user to notify him of the fact (col. 6, lines 14-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Mansell et al. by including the limitations of Hikuma et al. so that an out-of-range unit can restore normal communication.

Allowable Subject Matter

3. **Claims 1-29** are allowed.

4. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to disclose the limitation of including a plurality of kinds of positioning systems and automatically changing any of the positioning systems in an unavailable state, over to an available one of the positioning systems so as to acquire a current position of a terminal by the use of the positioning system available, as required by claims 1, 10, 20, 24, 28 and 29. Furthermore, claims 2-9, 11-19, 21-23 and 25-27 depend from claims 1, 10, 20 and 24.

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Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 305-9051, (for formal communications
intended for entry)

Or:

(703) 305-9508, (for informal or draft
communications, please label "PROPOSED" or
"DRAFT")

Hand-delivered responses should be brought to Crystal
Park II, 2121 Crystal Drive, Arlington, VA., Sixth
Floor (Receptionist).


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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (703) 305-4040. The examiner can normally be reached on Monday through Thursday from 8:30 a.m. to 5:00 p.m.

6. Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 305-3900.

SB:sb

December 2, 1999


DORIS H. TO 12/6/99
PRIMARY EXAMINER